

Senate Bill 242

By: Senator Lucas of the 26th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide a new charter for the Town of Toombsboro, Georgia; to provide for incorporation,
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;
3 to provide for a governing authority of such city and the powers, duties, authority, election,
4 terms, removal from office, method of filling vacancies, compensation, expenses,
5 qualifications, and prohibitions relative to members of such governing authority; to provide
6 for inquiries and investigations; to provide for organization and procedures; to provide for
7 ordinances; to provide for eminent domain; to provide for codes; to provide for the office of
8 mayor and certain duties and powers relative to the office of mayor; to provide for
9 administrative responsibilities; to provide for boards, commissions, and authorities; to
10 provide for a city attorney, city clerk, and other personnel; to provide for a municipal court
11 and the judge or judges thereof; to provide for practices and procedures; to provide for
12 taxation, permits, and fees; to provide for franchises, service charges, and assessments; to
13 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
14 provide for contracting and purchasing; to provide for bonds for officials; to provide for
15 definitions and construction; to provide for other matters relative to the foregoing; to provide
16 for severability; to provide for related matters; to repeal a specific Act; to repeal conflicting
17 laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **ARTICLE I INCORPORATION AND POWERS**

20 **Section 1.10. Incorporation and name**

21 This Act shall constitute the whole charter of the Town of Toombsboro, repealing and
22 replacing the charter provided by an Act of the General Assembly approved April 11, 1979
23 (Ga. Laws 1979, p. 3499), as amended. The Town of Toombsboro, Georgia, in the County
24 of Wilkinson and the inhabitants thereof are hereby constituted and declared a body politic
25 and corporate under the same name and style of Town of Toombsboro, Georgia, and shall

26 continue to be vested with all of the property and rights of property which now belong to the
27 city, and by that name shall have perpetual succession.

28 **Section 1.11. Corporate boundaries**

29 (a) The boundaries of this city shall be those existing on the effective date of the adoption
30 of this charter with such alterations as may be made from time to time in the manner
31 provided by law. The boundaries of this city at all times shall be shown on a map, a written
32 description or any combination thereof, to be retained permanently in the office of the city
33 clerk and to be designated, as the case may be: "Official Map (or Description) of the
34 corporate limits of the Town of Toombsboro, Georgia." Photographic, typed, or other copies
35 of such map or description certified by the city clerk shall be admitted as evidence in all
36 courts and shall have the same force and effect as with the original map or description.

37 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
38 the lawful changes in the corporate boundaries. A redrawn map shall supersede, for all
39 purposes, the entire map or maps which it is designated to replace.

40 **Section 1.12. Powers and construction**

41 (a) This city shall have all powers possible for a city to have under the present or future
42 Constitution and laws of the State of Georgia as fully and completely as though they were
43 specifically enumerated in this charter. This city shall have all the powers of
44 self-government not otherwise prohibited by this charter or by general law.

45 (b) The powers of this city shall be construed liberally in the favor of the city. The
46 specific mention or failure to mention particular powers shall not be construed as limiting
47 in any way the powers of this city.

48 **Section 1.13. Examples of powers**

49 (a) Animal Regulations. To regulate and license or to prohibit the keeping of running
50 at-large of animals and fowl, and to provide for the impoundment of same if in violation
51 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
52 destruction of animals and fowl when not redeemed as provided by ordinance; and to
53 provide punishment for violation of ordinances enacted hereunder.

54 (b) Appropriations and Expenditures. To make appropriations for the support of the
55 government of the city; to authorize the expenditure of money for any purposes authorized

by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city.

(c) Building Regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades.

(d) Business Regulation and Taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees.

(e) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 or Title 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(f) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations.

(g) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city.

(h) Environmental Protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm water and establishment of a storm water utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment.

(i) Fire Regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations consistent with general law, relating to fire prevention and detection and firefighting; and to prescribe penalties and punishment for violations thereof.

(j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such

92 charges, taxes, or fees; and to provide for the manner and method of collecting such service
93 charges.

94 (k) General Health, Safety, and Welfare. To define, regulate and prohibit any act, practice,
95 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
96 and safety of the inhabitants of the city, and to provide for the enforcement of such
97 standards.

98 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
99 purpose related to powers and duties of the city and the general welfare of its citizens, on
100 such terms and conditions as the donor or grantor may impose.

101 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide
102 for the enforcement of such standards.

103 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may
104 work out such sentences in any public works or on the streets, roads, drains, and other
105 public property in the city, to provide for commitment of such persons to any jail, to
106 provide for the use of pretrial diversion and any alternative sentencing allowed by law, or
107 to provide for commitment of such persons to any county work camp or county jail by
108 agreement with the appropriate county officials.

109 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over
110 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
111 city.

112 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,
113 boards, offices, commissions, and agencies of the city, and to confer upon such agencies
114 the necessary and appropriate authority for carrying out all of the powers conferred upon
115 or delegated to the same.

116 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the
117 city and to issue bonds for the purpose of raising revenue to carry out any project, program,
118 or venture authorized by this charter or the laws of the State of Georgia.

119 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
120 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
121 outside the property limits of the city.

122 (s) Municipal Property Protection. To provide for the preservation and protection of
123 property and equipment of the city, and the administration and use of the same by the
124 public; and to prescribe penalties and punishment for violations thereof.

125 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
126 of public utilities, including but not limited to a system of waterworks, sewers and drains,
127 sewage disposal, storm water management, gas works, electric light plants, cable television
128 and other telecommunications, transportation facilities, public airports, and any other

129 public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and
130 penalties; and to provide for the withdrawal of service for refusal or failure to pay the same.

131 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
132 private property.

133 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
134 authority of this charter and the laws of the State of Georgia.

135 (w) Planning and Zoning. To provide comprehensive city planning for development by
136 zoning; and to provide subdivision regulation and the like as the city council deems
137 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.

138 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
139 police officers, and to establish, operate, or contract for a police and firefighting agency.

140 (y) Public Hazards: Removal. To provide for the destruction and removal of any building
141 or other structure, which is or may become dangerous or detrimental to the public.

142 (z) Public Improvements. To provide for the acquisition, construction, building, operation,
143 and maintenance of public ways, parks, and playgrounds, recreational facilities, cemeteries,
144 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
145 terminals, docks, parking facilities, or charitable, cultural, educational, recreational
146 conservation, sport, curative, corrective, detention, penal and medical institutions, agencies,
147 and facilities; and to provide any other public improvements inside or outside the corporate
148 limits of the city; to regulate the use of public improvements; and for such purposes,
149 property may be acquired by condemnation under Title 22 or Title 32 of the Official Code
150 of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

151 (aa) Public Peace. To provide for the prevention and punishment of loitering, disorderly
152 conduct, drunkenness, riots, and public disturbances.

153 (bb) Public Transportation. To organize and operate such public transportation systems
154 as are deemed beneficial.

155 (cc) Public Utilities and Services. To grant franchises or to make contracts for or impose
156 taxes on public utilities and public service companies; and to prescribe the rates, fares,
157 regulations, and standards and conditions of service applicable to the service to be provided
158 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of
159 the Public Service Commission.

160 (dd) Regulation and Roadside Areas. To prohibit or regulate and control the erection,
161 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
162 all structures or obstructions upon or adjacent to the rights of way of streets and roads or
163 within view thereof, within or abutting the corporate limits of the city; and to prescribe
164 penalties and punishment for violation of such ordinances.

165 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
166 plans and programs for officers and employees of the city.

167 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
168 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
169 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
170 walkways within the corporate limits of the city; and to grant franchises and rights of way
171 throughout the streets and roads and over the bridges and viaducts for the use of public
172 utilities; and to require real estate owners to repair and maintain in a safe condition the
173 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.

174 (gg) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
175 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
176 and sewerage system; and to levy on those to whom sewers and sewerage systems are made
177 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
178 to provide for the manner and method of collecting such service charges and for enforcing
179 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
180 those connected with the system.

181 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,
182 and refuse; to regulate the collection and disposal of garbage, rubbish, and refuse by others;
183 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and
184 other recyclable materials and to provide for the sale of such items.

185 (ii) Special Areas of Public Regulation. To regulate or prohibit junk dealers and the
186 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use
187 of combustible, explosive, and inflammable materials, the use of lighting and heating
188 equipment, and any other business or situation which may be dangerous to persons or
189 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
190 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
191 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
192 bookstores and entertainment to certain areas.

193 (jj) Special Assessments. To levy and provide for the collection of special assessments to
194 cover the costs of any public improvements.

195 (kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
196 and collection of taxes on all property subject to taxation.

197 (ll) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
198 future by law.

199 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
200 number of such vehicles; to require the operators thereof to be licensed; to require public

201 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
202 regulate the parking of such vehicles.

203 (nn) Urban Redevelopment. To organize and operate an urban redevelopment program.

204 (oo) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,
205 and immunities necessary or desirable to promote or protect the safety, health, peace,
206 security, good order, comfort, convenience, or general welfare of the city and its
207 inhabitants; and to exercise all implied powers necessary or desirable to carry into
208 execution all powers granted in this charter as fully and completely as if such powers were
209 fully stated herein; and to exercise all powers, now or in the future, authorized to be
210 exercised by other municipal governments under other laws of the State of Georgia; and
211 no listing of particular powers in this charter shall be held to be exclusive of others, nor
212 restrictive of general words and phrases granting powers, but shall be held to be in addition
213 to such powers unless expressly prohibited to municipalities under the Constitution or
214 applicable laws of the State of Georgia.

215 **Section 1.14. Exercise of powers**

216 All powers, functions, right, privileges, and immunities of the city, its officers, agencies, or
217 employees shall be carried into execution as provided by this charter. If this charter makes
218 no provision, such shall be carried into execution as provided by ordinance or as provided
219 by pertinent laws of the State of Georgia.

220 **ARTICLE II GOVERNMENT STRUCTURE**

221 **Section 2.10. City council creation; number; election**

222 The legislative authority of the government of this city, except as otherwise specifically
223 provided in this charter, shall be vested in a city council to be composed of a mayor and five
224 councilmembers. The city council established shall in all respects be a successor to and
225 continuation of the governing authority under prior law. The mayor and councilmembers
226 shall be elected in the manner provided by general law and this charter.

227 **Section 2.11. City council terms and qualifications for office**

228 The mayor and councilmembers shall serve for terms of four years and until their respective
229 successors are elected and qualified. There shall be no limits on the number of terms a
230 mayor or councilmember is eligible to serve. No person shall be eligible to serve as mayor
231 or councilmember unless that person shall be 21 years of age; shall have been a resident of

232 the State of Georgia for 24 months prior to the date of election; shall have been a resident of
233 the city for 12 months prior to the date of election; shall continue to reside therein during that
234 member's period of service; and shall be registered and qualified to vote in municipal
235 elections of this city. Residency shall be defined as set forth in Title 21 of the Official Code
236 of Georgia Annotated.

237 **Section 2.12. Vacancy; filling of vacancies**

238 (a) The office of mayor or councilmember shall become vacant immediately upon the
239 incumbent's death, resignation, forfeiture of office, loss of qualifications for office, or
240 occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of
241 the Official Code of Georgia Annotated, or such other applicable laws as are or may
242 hereafter be enacted.

243 (b) The mayor and any councilmember shall forfeit his or her office if he or she:

244 (1) Lacks at any time during his or her term of office any qualifications of the office as
245 prescribed by this charter or the laws of the State of Georgia;

246 (2) Willfully and knowingly violates any express prohibition of this charter; or

247 (3) Is convicted of a crime involving moral turpitude.

248 (c) A vacancy in the office of mayor or councilmember shall be filled for the remainder
249 of the unexpired term, if any, by appointment by the city council or those members
250 remaining if less than six months remain in the unexpired term. If such vacancy occurs six
251 months or more prior to the expiration of the term of that office, it shall be filled for the
252 remainder of the unexpired term by a special election, as provided for in Section 5.14 and
253 in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated or other
254 such laws as are or may hereafter be enacted.

255 (d) This section shall also apply to a temporary vacancy created by the suspension from
256 office of the mayor or any councilmember.

257 **Section 2.13. Compensation and expenses**

258 The mayor and councilmembers shall receive as compensation for their services and
259 reasonable and necessary expenses such amounts as may be established by ordinance.

260 **Section 2.14. Conflicts of interest; holding other offices**

261 (a) Elected and appointed officers of the city are trustees and servants of the residents of
262 the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction, or have a financial or other personal interest, directly or indirectly, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, whether in the form of service, loan, item, or promise, from any person, firm, or corporation which, to the official's knowledge, is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.

(c) Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for

personal benefit or profit, but shall use such property only in their capacity as an officer or employee of the city.

(e) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(f) Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected. No former mayor and no former councilmember shall hold any appointive office in the city until one year after the expiration of the term for which that official was elected. This section shall not be construed as to prohibit the mayor or any councilmember from being appointed to represent the Town of Toombsboro on any board or authority upon which the Town of Toombsboro is entitled to representation under the bylaws of said authority.

(g) No appointive officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon qualifying for or election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

(h) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position. Any officer or employee of the city who shall forfeit an office or position shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

Section 2.15. Inquiries and investigations

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

Section 2.16. General powers and authority of the city council

(a) Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

(b) In addition to all other powers conferred upon it by the law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, consistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the Town of Toombsboro and may enforce such ordinances by imposing penalties for violation thereof.

Section 2.17. Eminent domain

The city council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detention, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof; and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

Section 2.18. Organizational meetings

The city council shall meet for organization on the first business day of the month following city elections. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly swear that I will faithfully perform the duties of (mayor)(councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of the Town of Toombsboro for the time required by the Constitution and laws of this state

and by the municipal charter. I will at all times act ethically and professionally when in the conduct of city business, and I will not become delinquent in any financial or personal obligations to the Town of Toombsboro. I will perform the duties of my office in the best interest of the Town of Toombsboro and to the best of my ability without fear, favor, affection, reward, or expectation thereof."

Section 2.19. Regular and special meetings

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or by a quorum of the city council. Notice of such special meetings shall be served on all other members personally or by telephone or shall be left at their residence at least 48 hours in advance of the meeting. Such notice shall not be required if the mayor and all councilmembers are present when the special meeting is called. Notice of any special meeting may be waived in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice of any special meeting. Only the business stated in the call may be transacted at the special meeting except by unanimous consent of all members. With such consent, any business which may be transacted at a regular meeting may be conducted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

Section 2.20. Rules of procedure

(a) The city council shall adopt its rules or procedures and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairs and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

Section 2.21. Quorum: voting

(a) Any four members of the city council, which may or may not include the mayor, shall constitute a quorum and shall be authorized to transact business of the city council. A majority of the votes cast shall determine questions before them.

(b) No member of the city council shall abstain from voting on any matter properly brought before the council for official action except when such councilmember has a conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refused to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have voted in the affirmative on the question involved.

Section 2.22. Action requiring an ordinance; definition

An ordinance shall be defined as any act of the city council which shall have the force and effect of law. All such acts shall be enacted by ordinance and not by resolution. An ordinance shall be adopted in accordance with the requirements in Section 2.23.

Section 2.23. Ordinance form; procedures

(a) Every proposed ordinance, as defined by Section 2.22, shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the Town of Toomsboro" and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances as provided in Section 2.24. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.

Section 2.24. Emergencies

(a) To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or by a quorum of the city council and promptly

adopt an emergency ordinance. Such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money, except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists; describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 60 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

Section 2.25. Codes of technical regulations

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances in general except that: (1) the requirements of Section 2.23(b) for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for inspection by the public.

Section 2.26. Signing; authenticating; recording; codification; printing

(a) The city clerk shall authenticate by the clerk's signature and record, in full, in a properly indexed book kept for that purpose, all ordinances adopted by the city council and mayor.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the Town of Toombsboro, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Section 2.27. Chief executive officer

The mayor shall be the chief executive of this city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this charter.

Section 2.28. Powers and duties of mayor

As the chief executive officer of this city, the mayor shall:

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Exercise supervision over all city staff, oversee the executive and administrative work of the city, and provide for the coordination of administrative activities;
- (3) Have the authority to suspend or otherwise take disciplinary action on city staff and to make recommendations to the city council regarding the hiring, firing, promotion, and demotion of city staff;
- (4) Annually prepare and submit to the city council a recommended operating budget and capital budget;

- 487 (5) Recommend to the city council such measures relative to the affairs of the city,
488 improvement of the government, and promotion of the welfare of its inhabitants as the
489 mayor may deem expedient;
- 490 (6) Call for special meetings of the city council as provided in Section 2.19(b);
- 491 (7) Preside at all meetings of the city council;
- 492 (8) Be the head of the city for the purpose of service of process and for ceremonial
493 purposes and be the official spokesperson of the city and the chief advocate of policy;
- 494 (9) Have the power to administer oaths and to take affidavits;
- 495 (10) Sign as a matter of course on behalf of the city all written and approved contracts,
496 ordinances, and other instruments executed by the city;
- 497 (11) Provide for an annual audit of all accounts of the city;
- 498 (12) Require any department or agency of the city to submit written reports whenever the
499 mayor deems it expedient;
- 500 (13) Break a tie vote of the councilmembers; and
- 501 (14) Perform such other duties as may be required by law, this charter, or by ordinance.

502 **Section 2.29. Mayor pro tem; selections; duties**

503 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.
504 The mayor pro tem shall assume the duties and powers of the mayor during the mayor's
505 physical or mental disability, suspension from office, or absence. Any such disability or
506 absence shall be declared by a majority vote of the city council. The mayor pro tem shall
507 sign all contracts and ordinances in which the mayor has a disqualifying financial interest as
508 provided in Section 2.14. The city council by a majority vote shall elect an acting mayor pro
509 tem from among its members for any period in which the mayor pro tem is disabled, absent,
510 or acting as mayor. Any such absence or disability shall be declared by majority vote of all
511 councilmembers. When acting as mayor, the mayor pro tem shall continue to have only one
512 vote as a member of the council.

513 **ARTICLE III ADMINISTRATIVE AFFAIRS**

514 **Section 3.10. Administrative and service departments**

515 (a) Except as otherwise provided in this charter, the city council shall prescribe the
516 functions or duties of and establish, abolish, alter, consolidate, or leave vacant all
517 nonelective offices, positions of employment, departments, and agencies of the city as
518 necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance or resolution.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor and city council, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointed officers and directors shall be employees at-will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

Section 3.11. Boards, commissions, and authorities

(a) The city council may create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council may provide by ordinance for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by this charter or by law, no member of any board, commission, or authority created by the city council shall hold an elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the city clerk an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.

(g) All board members serve at-will and may be removed at any time by a vote of the city council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chair, elect one member as vice chair, and either elect as secretary one of its own members or appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the city clerk.

Section 3.12. City attorney

(a) The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

(b) The city attorney is not a public official of the city and does not take an oath of office. The city attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as the city attorney.

Section 3.13. City clerk

The city council shall designate a city clerk who shall not be a councilmember. This individual shall be custodian of the official city seal and city records, maintain city council records required by this charter, and perform such other duties as may be required by the city council.

Section 3.14. Position classification and pay plans

The city council may prepare and adopt a position classification system and pay plan. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan.

585 **Section 3.15. Personnel policies**

586 All employees serve at-will and may be removed from office at any time, unless otherwise
587 provided by ordinance. The town may adopt personnel policies as may be necessary to
588 provide for adequate and systematic handling of the personnel affairs of the Town of
589 Toombsboro.

590 **ARTICLE IV JUDICIAL BRANCH**

591 **Section 4.10. Creation; name**

592 (a) There shall be a court to be known as the Municipal Court of the Town of Toombsboro.
593 The municipal court shall be presided over by a chief judge and such part-time, full-time,
594 or standby judges as shall be provided by ordinance.

595 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
596 unless that person shall have attained the age of 21 years, shall be a member of the State
597 Bar of Georgia in good standing, and shall possess all qualifications required by law. All
598 judges shall be appointed by the city council and shall serve until a successor is appointed
599 and qualified.

600 (c) Compensation of the judges shall be fixed by ordinance or resolution.

601 (d) Judges may be removed from office at any time by the city council pursuant to the
602 provisions of Code Section 36-32-2.1 of the Official Code of Georgia Annotated.

603 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the
604 judge will honestly and faithfully discharge the duties of the office to the best of that
605 person's ability and without fear, favor, or partiality. The oath shall be entered upon the
606 minutes of the city council journal required by Section 2.20.

607 **Section 4.11. Convening**

608 The municipal court shall be convened at regular intervals as provided by ordinance or at
609 such times as deemed necessary to keep current the dockets thereof.

610 **Section 4.12. Jurisdiction; powers**

611 (a) The municipal court shall have jurisdiction and authority to try and punish violations
612 of this charter, all city ordinances, and such other violations as provided by law.

613 (b) The municipal court shall have authority to punish those in its presence for contempt,
614 provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

Section 4.13. Certiorari

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Wilkinson County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Section 4.14. Rules for court

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk and the clerk of the municipal court and shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V ELECTIONS AND REMOVAL**Section 5.10. Applicability of general law**

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

Section 5.11. Election of councilmembers and mayor

- (a) There shall be a municipal general election every four years from the most recent municipal general election on the Tuesday next following first Monday in November.
- (b) There shall be elected the mayor and all five city councilmember posts at each regular election.
- (c) The mayor and city councilmembers in office upon the adoption of this charter shall serve out the remainder of the terms they were originally elected to serve.

Section 5.12. Nonpartisan elections

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

Section 5.13. Election by plurality

The person receiving a plurality of the votes cast for any city office shall be elected. For regular elections of the city council, the five individuals receiving the greatest number of votes shall be elected. In case of a tie, all candidates who are a party to the tie shall proceed

677 to a run-off election to be held and conducted in accordance with Chapter 2 of Title 21 of the
678 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter
679 amended.

680 **Section 5.14. Special elections; vacancies**

681 In the event that the office of mayor or councilmember shall become vacant as provided in
682 Section 2.12, the city council or those remaining shall order a special election to fill the
683 balance of the unexpired term of such official; provided, however, that, if such vacancy
684 occurs within six months of the expiration of the term of that office, the city council or those
685 remaining shall appoint a successor for the remainder of the term. In all other respects, the
686 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
687 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter
688 amended.

689 **Section 5.15. Other provisions**

690 Except as otherwise provided by this charter, the city council shall prescribe by ordinance
691 such rules and regulations it deems appropriate to fulfill any options and duties under
692 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election
693 Code."

694 **Section 5.16. Removal of officers**

695 (a) The mayor, councilmembers, or other appointed officers provided for in this charter
696 shall be removed from office for any one or more of the causes provided in Title 45 of the
697 Official Code of Georgia Annotated or such other applicable laws as are or may hereafter
698 be enacted.

699 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
700 by one of the following methods:

701 (1) Following a hearing at which an impartial panel shall render a decision. In the event
702 an elected officer is sought to be removed by the action of the city council, such officer
703 shall be entitled to a written notice specifying the ground or grounds for removal and to
704 a public hearing which shall be held not less than ten days after the service of such
705 written notice. The city council shall provide by ordinance for the manner in which such
706 hearings shall be held. Any elected officer sought to be removed from office as herein
707 provided shall have the right of appeal from the decision of the city council to the

708 Superior Court of Wilkinson County. Such appeal shall be governed by the same rules
709 as govern appeals to the superior court from the probate court; or
710 (2) By an order of the Superior Court of Wilkinson County following a hearing on a
711 complaint seeking such removal brought by any resident of the Town of Toombsboro.

712 **ARTICLE VI FINANCE**

713 **Section 6.10. Ad valorem tax**

714 (a) The city council may assess, levy, and collect ad valorem taxes on all real and personal
715 property within the corporate limits of the city that is subject to such taxation by the state
716 and county as authorized by general law. This tax is for the purpose of raising revenues
717 to defray the costs of operating the city government, of providing governmental services,
718 for the repayment of principal and interest on general obligations, and for any other public
719 purpose as determined by the city council in its discretion.

720 (b) All property subject to taxation for state or county purposes, assessed as of January 1
721 in each year, shall be subject to the ad valorem tax levied by the Town of Toombsboro. The
722 city council by ordinance shall elect to use the county assessment for the year in which the
723 city taxes are to be levied and shall request the county to furnish appropriate information
724 for such purpose.

725 **Section 6.11. Millage rate; due dates; payment methods**

726 The city council by ordinance shall annually establish a millage rate for the city property tax,
727 a due date, and the time period within which these taxes must be paid. The city council, by
728 said ordinance, may also provide for the payment of these taxes by installments or in one
729 lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

730 **Section 6.12. Occupation and business taxes**

731 The city council by ordinance shall have the power to levy such occupation or business taxes
732 as are authorized by general law. The city council may classify businesses, occupations, or
733 professions for the purpose of such taxation in any way which may be lawful and may
734 compel the payment of such taxes as provided in Section 6.18.

735

Section 6.13. Regulatory fees; permits

736 The city council by ordinance shall have the power to require businesses or practitioners
737 doing business within this city to obtain a permit for such activity from the city and pay a
738 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
739 the total cost to the city of regulating the activity and, if unpaid, shall be collected as
740 provided in Section 6.18.

741

Section 6.14. Franchises

742 (a) The city council shall have the power to grant franchises for the use of this city's streets
743 and alleys for the purposes of railroads, street railways, telephone companies, electric
744 companies, electric membership corporations, cable television and other
745 telecommunications companies, gas companies, transportation companies, and other
746 similar organizations. The city council shall determine the duration, terms, whether the
747 same shall be exclusive or nonexclusive, and the consideration for such franchises;
748 provided, however, that no franchise shall be granted for a period in excess of 35 years and
749 no franchise shall be granted unless the city receives just and adequate compensation
750 therefor. The city council shall provide for the registration of all franchises with the city
751 clerk in a registration book kept by the clerk. The city council may provide by ordinance
752 for the registration within a reasonable time of all franchises previously granted.

753 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
754 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
755 street railways, telephone companies, electric companies, electric membership
756 corporations, cable television and other telecommunications companies, gas companies,
757 transportation companies, and other similar organizations.

758

Section 6.15. Service charges

759 The city council by ordinance shall have the power to assess and collect fees, charges,
760 assessments, and tolls for sewers, sanitary and health services, or any other services provided
761 or made available within and without the corporate limits of the city. If unpaid, such charges
762 shall be collected as provided in Section 6.18.

763

Section 6.16. Special assessments

764 The city council by ordinance shall have the power to assess and collect the cost of
765 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
766 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
767 owners. If unpaid, such charges shall be collected as provided in Section 6.18.

768

Section 6.17. Construction; other taxes and fees

769 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
770 and the specific mention of any right, power, or authority in this article shall not be construed
771 as limiting in any way the general powers of this city to govern its local affairs.

772

Section 6.18. Collection of delinquent taxes and fees

773 The city council by ordinance may provide generally for the collection of delinquent taxes,
774 fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable
775 means as are not precluded by law. This shall include providing for the dates when the taxes
776 or fees are due; late penalties or interest; issuance and execution of fi.fas; creation and
777 priority of liens; making delinquent taxes and fees personal debts of the persons required to
778 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
779 and providing for the assignment or transfer of tax executions.

780

Section 6.19. General obligation bonds

781 The city council shall have the power to issue bonds for the purpose of raising revenue to
782 carry out any project, program, or venture authorized under this charter or the laws of the
783 state. Such bonding authority shall be exercised in accordance with the laws governing bond
784 issuance by municipalities in effect at the time said issue is undertaken.

785

Section 6.20. Revenue bonds

786 Revenue bonds may be issued by the city council as state law now or hereafter provides.
787 Such bonds are to be paid out of any revenue produced by the project, program, or venture
788 for which they were issued.

789 **Section 6.21. Short-term loans**

790 The city may obtain short-term loans and must repay such loans not later than December 31
791 of each year, unless otherwise provided by law.

792 **Section 6.22. Lease-purchase contracts**

793 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
794 acquisition of goods, materials, real and personal property, services, and supplies, provided
795 the contract terminates without further obligation on the part of the municipality at the close
796 of the calendar year in which it was executed and at the close of each succeeding calendar
797 year for which it may be renewed. Contracts shall be executed in accordance with the
798 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated or such
799 other applicable laws as are or may hereafter be enacted.

800 **Section 6.23. Fiscal year**

801 The Town of Toombsboro's fiscal year shall run from January 1 to December 31. This fiscal
802 year shall constitute the budget year and the year for financial accounting and reporting of
803 each and every office, department, agency, and activity of the city government unless
804 otherwise provided by state or federal law.

805 **Section 6.24. Preparation of budgets**

806 The city council may provide an ordinance on the procedures and requirements for the
807 preparation and execution of an annual operating budget, a capital improvement plan, and
808 a capital budget, including requirements as to the scope, content, and form of such budgets
809 and plans.

810 **Section 6.25. Submission of operating budget to city council**

811 On or before a date fixed by the city council but not later than 30 days prior to the beginning
812 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
813 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
814 containing a statement of the general fiscal policies of the city, the important features of the
815 budget, explanations of major changes recommended for the next fiscal year, a general
816 summary of the budget, and such other pertinent comments and information. The operating

817 budget and the capital budget hereinafter provided for, the budget message, and all
818 supporting documents shall be filed in the office of the city clerk and shall be open to public
819 inspection.

820 **Section 6.26. Action by city council on budget**

821 (a) The city council may amend the operating budget proposed by the mayor, except that
822 the budget as finally amended and adopted must provide for all expenditures required by
823 state law or by other provisions of this charter and for all debt service requirements for the
824 ensuing fiscal year, and the total appropriations from any fund shall not exceed the
825 estimated fund balance, reserves, and revenues.

826 (b) The city council by ordinance shall adopt the final operating budget by the first day of
827 the fiscal year. If the city council fails to adopt the budget by this date, the amounts
828 appropriated for operation for the current fiscal year shall be deemed adopted by the
829 ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until
830 such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the
831 budget shall take the form of an appropriations resolution setting out the estimated
832 revenues in detail by sources and making appropriations according to fund and by
833 organizational unit, purpose, or activity as may be set out in the budget preparation
834 ordinance adopted pursuant to Section 6.24.

835 (c) The amount set out in the adopted operating budget for each organizational unit shall
836 constitute the annual appropriation for such, and no expenditure shall be made or
837 encumbrance created in excess of the otherwise unencumbered balance of the
838 appropriations or allotment thereof, to which it is chargeable.

839 **Section 6.27. Tax levies**

840 The city council shall levy by ordinance or resolution such taxes as are necessary. The taxes
841 and tax rates set by such ordinances or resolutions shall be such that reasonable estimates of
842 revenues from such levy shall at least be sufficient, together with other anticipated revenues,
843 fund balances, and applicable reserves, to equal the total amount appropriated for each of the
844 several funds set forth in the annual operating budget for defraying the expenses of the
845 general government of this city.

846 **Section 6.28. Changes in appropriations**

847 The city council by ordinance may make changes in the appropriations contained in the
848 current operating budget at any regular meeting or special or emergency meeting called for
849 such purpose, but any additional appropriations may be made only from an existing
850 unexpended surplus.

851 **Section 6.29. Capital budget**

852 (a) On or before the date fixed by the city council but no later than 30 days prior to the
853 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
854 improvements plan with a recommended capital budget containing the means of financing
855 the improvements proposed for the ensuing fiscal year. The city council shall have power
856 to accept, with or without amendments, or reject the proposed plan and proposed budget.
857 The city council shall not authorize an expenditure for the construction of any building,
858 structure, work, or improvement, unless the appropriations for such project are included
859 in the capital budget, except to meet a public emergency as provided in Section 2.24.
860 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
861 year not later than a time set by the city council by ordinance. No appropriations provided
862 for in a prior capital budget shall lapse until the purpose for which the appropriation was
863 made shall have been accomplished or abandoned; provided, however, that the city council
864 may submit amendments to the capital budget at any time during the fiscal year,
865 accompanied by recommendations. Any such amendments to the capital budget shall
866 become effective only upon adoption by resolution of the city council.

867 **Section 6.30. Independent audit**

868 There shall be an annual independent audit of all city accounts, funds, and financial
869 transactions by a certified public accountant selected by the city council. The audit shall be
870 conducted according to generally accepted auditing principles. Any audit of any funds by
871 the state or federal governments may be accepted as satisfying the requirements of this
872 charter. Copies of annual audit reports shall be available at printing costs to the public.

873 **Section 6.31. Contracting procedures**

874 No contract with the city shall be binding on the city unless:

- 875 (1) It is in writing;
- 876 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
- 877 course, is signed by the city attorney to indicate such drafting or review; and
- 878 (3) It is made or authorized by the city council and such approval is entered in the city
- 879 council journal of proceedings pursuant to Section 2.20.

880 **Section 6.32. Centralized purchasing**

881 The city council may by ordinance prescribe procedures for a system of centralized

882 purchasing for the city.

883 **Section 6.33. Sale and lease of city property**

884 The city council may sell and convey or lease any real or personal property owned or held

885 by the city for governmental or other purposes as now or hereafter provided by law.

886 **ARTICLE VII GENERAL PROVISIONS**

887 **Section 7.10. Bonds for officials**

888 The officers and employees of this city, both elected and appointed, shall execute such surety

889 or fidelity bonds in such amounts and upon such terms and conditions as the city council

890 shall from time to time require by ordinance or as may be provided by law.

891 **Section 7.11. Prior ordinances**

892 All ordinance, resolutions, rules, and regulations now in force in the city not inconsistent

893 with this charter are hereby declared valid and of full effect and force until amended or

894 repealed by the city council.

895 **Section 7.12. Existing personnel and officers**

896 Except as specifically provided otherwise by this charter, all personnel and officers of the

897 city and their rights, privileges, and powers shall continue beyond the time this charter takes

898 effect.

899

Section 7.13. Pending matters

900 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
901 contracts, and legal or administrative proceedings shall continue and any such ongoing work
902 or cases shall be completed by such city agencies, personnel, or offices as may be provided
903 by the city council.

904

Section 7.14. Construction

- 905 (a) Section captions in this charter are informative only and are not to be considered as part
906 thereof.
- 907 (b) The word "shall" is mandatory and the word "may" is permissive.
- 908 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
909 versa.
- 910 (d) The terms "city council" and "council" shall refer to the whole governing body of the
911 Town of Toombsboro, inclusive of the mayor and all councilmembers. The term
912 "councilmember" specifically excludes the position of mayor in referencing all other
913 individuals serving on the city council.

914

Section 7.15. Severability

915 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
916 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
917 or impair other parts of this charter unless it clearly appears that such other parts are wholly
918 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
919 legislative intent in enacting this charter that each article, section, subsection, paragraph,
920 sentence, or part thereof be enacted separately and independent of each other.

921

Section 7.16. Specific repealer

922 An Act incorporating the Town of Toombsboro in the County of Wilkinson, approved April
923 11, 1979 (Ga. Laws 1979, p. 3499), is hereby repealed in its entirety and all amendatory acts
924 thereof are likewise repealed in their entirety.

925

Section 7.17. General repealer

926 All laws and parts of laws in conflict with this Act are repealed.